

IN THE SUPREME COURT OF THE STATE OF NEVADA

LOREN DAVID SELL,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 46367

**FILED**

MAR 23 2006

*[Signature]*  
JANET M. BLUM  
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from an order of the district court denying without prejudice appellant's post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; James A. Brennan, Senior Judge.

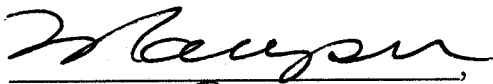
Appellant filed his petition on August 18, 2005. On November 1, 2005, appellant filed a motion to withdraw the petition. On December 29, 2005, the district court entered an order denying the petition without prejudice and granting appellant's motion to withdraw his petition. Because the district court dismissed the petition without prejudice, the order had the effect of granting appellant permission to supplement the petition with additional claims.<sup>1</sup> Accordingly, the district court's

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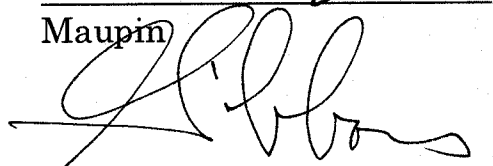
<sup>1</sup>Appellant shall be allowed to file a supplemental petition within a reasonable time. The district court's determination in its December 29, 2005 order that appellant had waived his speedy trial claim by failing to raise it on direct appeal will be reviewable by this court as part of a final resolution by the district court of appellant's supplemental petition, should he elect to file one. See NRS 177.045; NRS 34.575.

December 29, 2005 order was not a final order, and therefore was not appealable.<sup>2</sup> Consequently, we lack jurisdiction to consider this appeal.<sup>3</sup>

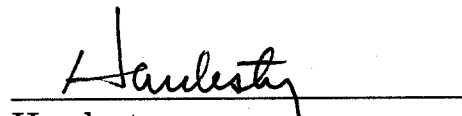
Having concluded that this appeal is premature, we  
ORDER this appeal DISMISSED.

 J.

Maupin

 J.

Gibbons

 J.

Hardesty

cc: Hon. James A. Brennan, Senior District Judge  
Loren David Sell  
Attorney General George Chanos/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk

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<sup>2</sup>See NRS 177.015(3).

<sup>3</sup>Briefing and oral argument are unwarranted in this matter. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).